

REMARKS/ARGUMENTS

On page 2 of the outstanding Office action, claims 1 through 27 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. On page 3 of the outstanding Office action, claims 1 through 27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

In response to the examiner's rejection of claims 1 through 27 under 35 U.S.C. § 112, first paragraph, applicants respectfully direct the examiner to MPEP 2164.04. The examiner's statement that "the specification does not provide a clear and concise description of the process" does not provide a reasonable explanation as to why the scope of protection provided by the claims is not adequately enabled by the disclosure and amounts to nothing more than a mere allegation that claims 1 through 27 fail to comply with the enablement requirement. Without any statement explaining why the examiner doubts the truth or accuracy of any statement in a supporting disclosure, this rejection fails to meet the initial burden on the examiner to establish a reasonable basis to question the enablement provided for the claimed invention.

Notwithstanding the examiner's failure to establish a reasonable basis to question the enablement for the claimed invention, applicants have nevertheless amended the claims in an effort to further the prosecution of this application. The claims have been amended to remove the word "coherent." It is applicants' position that the meaning of the word "coherent" is apparent from page 40 of the specification. More particularly, and for example, one measure of choosing the "best" subset is by using a measure such as the coherence of the subset. However, as the claims would appear to be broader without using the word "coherent" to describe the various sets of documents, applicants have chosen to remove that word from the claims.

The recitation in claim 1 of "identifying a first ~~coherent~~ set of documents from said training set of documents" refers to, *inter alia*, subset 1206 shown in Figure 12a and discussed in the corresponding portion of the specification.

The recitation in claim 1 of "identifying a second ~~coherent~~ set of documents and a remainder set of documents from said training set of documents using said first profile" refers to,

inter alia, the set of documents 1221 shown in Figure 12b and discussed in the corresponding portion of the specification.

The recitation of claim 1 of “identifying at least one ~~coherent~~ set of documents from said remainder set of documents” refers to, *inter alia*, the set of documents 1226 illustrated in Figures 12b-12c and discussed in the corresponding portion of the specification.

In view of the foregoing, it is respectfully requested that the rejection of claims 1-27 under 35 U.S.C. § 112, first paragraph, be withdrawn.

In response to the examiner’s rejection of claims 1 through 27 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, applicants respectfully disagree with the examiner’s position. Applicants respectfully direct the examiner to MPEP 2173.04, which states:

Breadth of a claim is not to be equated with indefiniteness. In *re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if applicants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. 112, second paragraph.

Applicants note that the limitation recited in the outstanding Office action as being indefinite (“identifying at least one remainder profile corresponding to each of said identified coherent sets of documents from said remainder set of documents”) corresponds to a range of remainder profiles that includes both one remainder profile and multiple remainder profiles. It is very common in drafting claims in the predictable arts to recite “at least one,” “a plurality,” etc., which phrases are routinely accepted by the Office and the courts as definite.

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Applicants have made a diligent effort to advance the prosecution of this application.
Accordingly, a non-final action on the merits based on prior art is respectfully requested.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Jones Day
500 Grant Street
Suite 3100
Pittsburgh, PA, USA, 15219
(412) 394-9531
(412) 394-7959 (Fax)

Attorneys for Applicants